

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERTO BATRES, on behalf of himself and
all others similarly situated, JOSUE N.
BATRES, and JOSE D. BATRES,

ORDER
14-CV-1434 (SIL)

Plaintiffs,

-against-

VALENTE LANDSCAPING INC., and MARY
VALENTE,

Defendants.

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LOCKE, Magistrate Judge:

On July 20, 2016, Plaintiffs submitted a motion seeking, among other things, approval of a Settlement Agreement and Release (the “Settlement Agreement”) in this wage and hour action brought pursuant to the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201 *et seq.*, and New York Labor Law (“NYLL”), N.Y. Lab. Law § 190 *et seq.* See Docket Entry (“DE”) [45]. In a September 15, 2016 Order, the Court denied Plaintiffs’ motion without prejudice insofar as Plaintiffs sought approval of the Settlement Agreement because the agreement’s release provision was “too broad to be considered fair and reasonable.” See DE [51] at 8. Thereafter, on September 18, 2016, Plaintiffs submitted a Second Amendment to Settlement Agreement, see DE [52-1], as well as a revised Settlement Agreement and Release (the “Revised Settlement Agreement”), see DE [52-3], replacing the impermissible release provision. Having reviewed the Revised Settlement Agreement, the Court finds that it is fair and reasonable. See *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015); *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y.

2012) (requiring that a district court scrutinize an FLSA settlement agreement to determine that it is fair and reasonable). Therefore, the Revised Settlement Agreement is approved and this case is hereby closed.

Dated: Central Islip, New York
September 19, 2016

SO ORDERED

s/ Steven I. Locke
STEVEN I. LOCKE
United States Magistrate Judge